

## Sheth, Gary

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**From:** Sheth, Gary  
**Sent:** Monday, March 12, 2018 2:35 PM  
**To:** John Barth  
**Cc:** Hagler, Tom  
**Subject:** RE: Final Permit for NTEC Navajo Coal Mine (NN0028193)  
**Attachments:** BHPcommentletter09-18-15.pdf

Mr. Barth

Here is a .PDF of the letter you requested. We did not receive any other comment letters on the draft permit.

Gary Sheth  
NPDES Permits Section (WTR-2-3)  
Water Division  
USEPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
Tel: 415.972.3516  
Fax: 415.947.3549

**From:** John Barth [mailto:barthlawoffice@gmail.com]  
**Sent:** Monday, March 12, 2018 10:26 AM  
**To:** Sheth, Gary <Sheth.Gary@epa.gov>  
**Subject:** Re: Final Permit for NTEC Navajo Coal Mine (NN0028193)

Mr. Sheth

Please send me the September 18, 2015 comment letter referred to in EPA's Response to Comments, as well as any other comment letters received by EPA on the draft permit (other than the comment letter I submitted). Thank you,

John Barth

On Wed, Mar 7, 2018 at 3:05 PM, Sheth, Gary <[Sheth.Gary@epa.gov](mailto:Sheth.Gary@epa.gov)> wrote:

Hello All,

The Final Renewal NPDES Permit for the NTEC Navajo Coal Mine was signed on Monday. The Permit has an effective date of May 1, 2018. The final permit, factsheet, and response to comment document are available on EPA's website at : <https://www.epa.gov/npdes-permits/navajo-coal-mine-san-juan-county-nm-nn0028193> Hardcopies of these documents have also been mailed.

Thanks,

Gary Sheth

NPDES Permits Section (WTR-2-3)

Water Division

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BHP Billiton Mine Management Company



September 18, 2015

Gary Sheth  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

BHP Billiton Limited  
BHP Billiton Mine Management Company  
PO Box 1717  
16 Miles South of Fruitland on CR 6675  
Fruitland, New Mexico 87416 USA  
Tel +1 505 598 4200 Fax +1 505 598 3361  
bhpbilliton.com

**Re: NPDES Permit No. NN028193 NTEC Navajo Mine. Reference WTR-2-3. Certified Mail  
70060810000393117103**

Dear Mr. Sheth:

BHP Billiton Mine Management Company (MMCo) is submitting comments to the draft National Pollutant Discharge Elimination System (NPDES) renewal permit and fact sheet for the NTEC Navajo Mine Facility. Below addresses specific sections of the draft permit package:

Fact Sheet Comments

MMCo Comment 1: OSMRE approved the Navajo Mine SMCRA Permit (NM-0003F) renewal application on July 15, 2015, and issued a new Navajo Mine SMCRA Permit number as NM-003G. All references to SMCRA Permit No. NM-003F referenced in the fact sheet and permit can be updated to SMCRA Permit No. NM-003G. OSMRE completed its environmental review of the Pinabete SMCRA (NM-0042A) Permit and signed the Record of Decision on July 17, 2015. This reference in the proposed permit can be updated.

MMCo Comment 2: Page 1, Section I. Status of Permit, second paragraph: MMCo is requesting the U.S. EPA to consider updating the fact sheet to include that the previous permit has 14 outfalls. Outfall 016 in the previous permit is located in the middle of an active reclamation area in Dixon Ramp 4. This outfall no longer functions as a NPDES outfall location and therefore is not included in the renewal.

MMCo Comment 3: Page 2, Section I. Status of Permit, second paragraph: The text mentions only the 2012 Multi-Sector General Permit (MSGP) Annual Comprehensive Inspection. To more fully describe MMCos compliance with MSGP Annual Inspection requirement, MMCo is providing information about subsequent inspections for consideration addition to the fact sheet. MMCo as BNCC, completed a 2013 MSGP Annual Comprehensive Inspection. MMCo completed a 2014 MSGP Annual Comprehensive Inspection with the most recent inspection completed on June 29, 2015 that satisfied the 2015 MSGP annual Comprehensive Inspection and identified 52 corrective actions taken. Additionally, MMCo submitted a Notice of Intent for coverage under the 2015 MSGP on September 2, 2015. Coverage under the MSGP is expected to begin at the conclusion of the 30-day waiting period.

MMCo Comment 4: Page 7, Section V(2), Water Quality-Based Effluent Limitations: The effluent limitation for sulfate was included in the previous permit and is mentioned in the fact sheet but was not included in the tables of effluent parameters. MMCo requests that the parameter table be updated to reflect the expectations of U.S. EPA.

MMCo Comment 5: MMCo is providing more information to the U.S. EPA for consideration to include to the fact sheet. The Biological Opinion indicates that the OSMRE and the Bureau of Indian Affairs worked with the Project Proponents to develop several voluntary conservation measures to minimize the impacts of the proposed action on the listed species. Furthermore, the findings from the Four Corners Power Plan (FCPP) and Navajo Mine Energy Project Final Environmental Impact Statement for Environmental Justice Impacts indicated that the proposed action, including the continuing operations of Navajo Mine and FCPP would not result in major adverse impacts that would disproportionately affect low-income or minority populations.

Permit Comments:

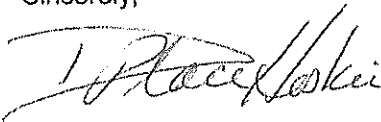
MMCo Comment 6: Page 6, Section A(4)(a)(b), Discharges resulting from precipitation events: The text describes authorization to discharge runoff resulting from precipitation greater than or equal to a 10-year, 24-hour event or equivalent to 1.80 inches within a 24 hour period. MMCo employs a Type II-70, 10-year, 24-hour storm event for design of its ponds and spillways which is equivalent to 1.56 inches within a 24 hour period. This depth is comparable to the National Ocean and Atmospheric Agency's (NOAA) frequency estimates at the Fruitland 3E station for a 10-year, 24-hour storm event; however, this value varies from the proposed 1.80 inches. We request that U.S. EPA update the proposed precipitation depth to NOAA's 10-year, 24-hour storm event definition as the NOAA dataset is used in the design of ponds and spillways at Navajo Mine and Pinabete Mine.

MMCo Comment 7: Page 11, Section B(1)(3): The first sentence reads "may cause a Elm or iridescent appearance on the surface of the water body;". "Elm" appears to be a typographical error.

MMCo Comment 8: Page 11, Section C. Best Management Practices, *Residue Hauling Vehicles*: As described in the SWPPP, the haul trucks and end dump trucks are not equipped with load covering systems. MMCo ensures haul trucks are not overfilled with coal and that operators are trained to watch for and report coal spillage on the haulroad. Additionally, drainages from the roads are directed towards BMPs and sediment ponds to stop any coal or coal residue from entering the waterways. These controls and practices are described in more detail in the current Navajo Mine SWPPP. We are requesting the U.S. EPA to update this section of the permit to reflect the controls and practices described in the Navajo Mine SWPPP, as they will also be applied at Pinabete Mine.

If you have any questions regarding this submission, please contact Daphne Place-Hoskie at 505-598-2003 or [Daphne.L.Place@bhpbilliton.com](mailto:Daphne.L.Place@bhpbilliton.com).

Sincerely,



**Daphne Place – Hoskie**  
Superintendent Environmental Analysis and Improvement

cc. Clark Mosely, NTEC CEO  
Harrison Tsosie, NTEC Legal Counsel  
Patrick Antonio, Navajo Nation EPA